

JUSTIN E. EWERT
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ATTORNEY FOR MESSAI MISIKER

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	
	§	
	§	CASE NO. 10-33868-sgj-11
ANGARAKA LIMITED PARTNERSHIP,	§	
	§	
Debtor	§	

MOTION TO LIFT STAY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MESSAI MISIKER, Movant herein, and would show unto the Court as follows:

1. Movant, MESSAI MISIKER, is the Plaintiff in a cause pending in the Dallas County Court at Law Number One, being Cause No. 09-09041-A, entitled *MESSAI MISIKER V ROXANNA HERNANDEZ, ANGARAKA LIMITED PARTNERSHIP AND PACIFIC WEST MANAGEMENT*.

2. Movant would show that this is a suit for damages and injuries to Movant as a result of a slip and fall accident which occurred on or about July 29, 2009. Such lawsuit was filed by Movant herein in the County Court at Law Number One, Dallas County, Texas on or about November 30, 2009.

3. Movant would further show that this lawsuit was filed against Defendant, ANGARAKA LIMITED PARTNERSHIP, for negligence, for the purpose of obtaining insurance benefits of such Defendant, for the benefit of Movant.

4. The above-referenced civil action does not seek to determine the division of any property of Debtor's bankruptcy estate. Movant seeks relief from 11 U.S.C §360.

5. The above-referenced civil action in county court is under a discovery order; however, an Order from this Court lifting stay is needed before discovery can proceed.

6. Movant requests that an Order granting its motion for relief from automatic stay, if such Order should be entered, will be effective immediately.

WHEREFORE, PREMISES CONSIDERED, Movant would request that this Court lift the stay by virtue of the bankruptcy filed by the Debtor/Defendant, ANGARAKA LIMITED PARTNERSHIP. Movant would further request that she be allowed to proceed with her lawsuit filed in Dallas County, Texas and for such other and further relief to which she may be justly entitled.

Respectfully submitted,

DENNIS G. BREWER, SR. & ASSOCIATES

/s/ Justin E. Ewert
Justin E. Ewert
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ATTORNEY FOR MOVANT/PLAINTIFF

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE, DALLAS, TEXAS BEFORE CLOSE OF BUSINESS ON JANUARY 5, 2011, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

NOTICE OF HEARING

This Motion is set for preliminary hearing on January 20th at 1:30pm in Courtroom #1, 14th Floor, Dallas.

CERTIFICATE OF CONFERENCE

I hereby certify that a conference was attempted on several occasions with no success regarding the merits of this Motion in an attempt to resolve this matter without Court intervention; therefore, this Motion is being submitted to the Court for a determination.

/s/ Justin E. Ewert
Justin E. Ewert

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing motion was forwarded via telefax and/or by electronic notice on this the 22nd day of December, 2010:

and to Debtor ANGARAKA LIMITED PARTNERSHIP,
Mr. Vincent Slusher
DLA Piper LLP
1717 Main Street, Ste 4600
Dallas, Texas 75201
Attorney for Debtor ANGARAKA LIMITED PARTNERSHIP

US Trustee
1100 Commerce Street
Room 976
Dallas, Texas 75242

/s/ Justin E. Ewert

Justin E. Ewert